

ON 10/3/18 NB

Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NCUNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:18-cr-00153-IFL(3)

UNITED STATES OF AMERICA)

v.)

AUSTIN KYLE LEE)

a/k/a "Justin")

I N D I C T M E N T

The Grand Jury charges that:

COUNT ONE

Beginning on a date unknown to the Grand Jury, but no later than in or around October 2016, and continuing until February 2, 2018, in the Eastern District of North Carolina and elsewhere, the defendant, AUSTIN KYLE LEE, also known as "Justin," did knowingly and intentionally combine, conspire, confederate, and agree with other persons, known and unknown to the Grand Jury, to distribute and possess with the intent to distribute one (1) kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, a quantity of marijuana, a Schedule I controlled substance, and five (5) kilograms or more of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and 846.

COUNT TWO

On or about October 28, 2016, in the Eastern District of North Carolina, the defendant, AUSTIN KYLE LEE, also known as "Justin,"

did knowingly and intentionally distribute a quantity of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE

On or about August 9, 2017, in the Eastern District of North Carolina, the defendant, AUSTIN KYLE LEE, also known as "Justin," did knowingly and intentionally distribute a quantity of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

On or about February 1, 2018, in the Eastern District of North Carolina, the defendant, AUSTIN KYLE LEE, also known as "Justin," did knowingly and intentionally distribute a quantity of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FIVE

On or about February 2, 2018, in the Eastern District of North Carolina, the defendant, AUSTIN KYLE LEE, also known as "Justin," did knowingly and intentionally possess with the intent to distribute one hundred (100) grams or more of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, a quantity of marijuana, a Schedule I controlled substance, and a quantity of cocaine, a Schedule II

controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SIX

On or about February 2, 2018, in the Eastern District of North Carolina, the defendant, AUSTIN KYLE LEE, also known as "Justin," did knowingly possess firearms in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, as charged in Count Five of this Indictment, in violation of Title 18, United States Code, Sections 924(c)(1)(A).

COUNT SEVEN

On or about February 2, 2018, in the Eastern District of North Carolina, the defendant, AUSTIN KYLE LEE, also known as "Justin," having been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, did knowingly possess, in and affecting commerce, firearms in violation of Title 18, United States Code, Sections 922(g)(1) and 924.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

ALLEGATION OF PRIOR CONVICTION

For purposes of Title 21, United States Code, Sections 841(b) and 851 the defendant, AUSTIN KYLE LEE, also known as "Justin," committed the violations alleged in the Indictment after at least one (1) prior conviction for a felony drug offense, as defined in Title 21, United States Code, Section 802(44) had become final.

FORFEITURE NOTICE

The defendant is given notice that pursuant to the provisions of Title 21, United States Code, Section 853 and Title 18, United States Code, Section 924(d), the latter as made applicable by Title 28, United States Code, Section 2461(c), all of the defendant's interest in all property specified herein is subject to forfeiture.

Upon conviction of the offenses set forth in Counts One through Five, the defendant shall forfeit to the United States any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the said offense(s) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offense(s).

Upon conviction of the offenses set forth in Counts Six through Seven, the defendant shall forfeit to the United States any and all firearms or ammunition involved in or used in a knowing commission of the said offense(s).

The forfeitable property includes, but is not limited to, the following:

- (a) \$200,000.00 in United States Currency;
- (b) One Glock 19 9mm handgun bearing s/n AGM436, and any and all ammunition;
- (c) One Keltec PF-9 9mm handgun bearing s/n RZV98, and any and all ammunition;
- (d) One Jiminez Arms .22 caliber handgun, and any and all ammunition;
- (e) One Rolex watch;
- (f) One gold pendant necklace;
- (g) One gold ring; and
- (h) One gold necklace.

If any of the above-described forfeitable property, as a result of any act or omission of a defendant --

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other

property of said defendant up to the value of the forfeitable property described above.

A TRUE BILL:

REDACTED VERSION

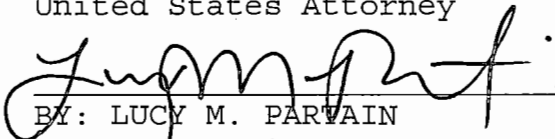
Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

FOREPERSON

DATE:

10/2/18

ROBERT J. HIGDON, JR.
United States Attorney


BY: LUCY M. PARVAIN
Assistant United States Attorney